

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

FILED
CRIMINAL

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JOHN J. REY
CLERK, CIRCUIT COURT
FAIRFAX, VA

COMMONWEALTH OF VIRGINIA,

v.

LEE BOYD MALVO,

Defendant.

Criminal No. 102888

**DEFENDANT'S MOTION FOR A TRANSCRIPT OF THE SUPPRESSION HEARINGS
HELD ON APRIL 28, AND JULY 24, 2003**

COMES NOW the defendant, Lee Boyd Malvo, by his counsel and moves this Court to order the production of a transcripts of the suppression motion hearings held in this matter on April 28, 2003 and July 24, 2003. In support of this motion, defendant states the following:

1. Lee Boyd Malvo is charged in Fairfax County with the premeditated murder of Linda Franklin pursuant to §18.2-31(8) as well as § 18.2-31(13) (killing in the commission of an act of terrorism), and unlawful use of a firearm while committing the murder of Linda Franklin pursuant to §18.2-53.1 of the Virginia Code as amended in (1950).

2. Pursuant to §19.2-159 of the Virginia Code Mr. Malvo has been determined by the Court to be indigent and has been appointed counsel.

3. On April 28, 2003 counsel for Mr. Malvo presented testimony and argument at a suppression motion hearing which included the testimony of a number of witnesses on behalf of the Commonwealth and Mr. Malvo. It is anticipated that a number of these witnesses will provide relevant and material testimony at trial.

4. On July 24, 2003 counsel for Mr. Malvo presented testimony and argument at a second

suppression motion hearing which included the testimony of two witnesses, both of whom, it is anticipated, will offer relevant and material testimony at trial.

5. The transcripts of both hearings are vital to the preparation and defense of Mr. Malvo's case.

6. Pursuant to §19.2-159, §19.2-166, and §19.2-185 this Honorable Court may order the transcription of such hearings and such transcription shall be at the cost of the Commonwealth.

Wherefore, Lee Malvo, through his counsel, requests this Honorable Court to order the transcription of the suppression motion hearings held in this matter on April 28, 2003 and July 24, 2003.

Respectfully submitted,

LEE BOYD MALVO

By: _____
Co-Counsel

By: _____
Co-Counsel

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing was hand delivered to:

Robert F. Horan, Jr., Esquire
Commonwealth's Attorney
4110 Chain Bridge Road, Rm 123
Fairfax, VA 22030

and the original was delivered for filing to:

Hon. John T. Frey
Clerk of Fairfax County Circuit Court
4110 Chain Bridge Road
Fairfax, VA 22030

and a true copy was delivered to the:

Hon. Jane Marum Roush
Judge, Fairfax County Circuit Court
4110 Chain Bridge Road
Fairfax, VA 22030

this 13th day of August, 2003.

Co-Counsel

Co-Counsel